

## **REMARKS/ARGUMENTS**

The Examiner is thanked for the Office Action dated May 27, 2008. The status of the application is as follows:

- Claims 1-20 are pending, and claims 1, 8, 10 and 11 have been amended;
- The specification is objected to;
- Claims 10 and 11 are rejected under 35 U.S.C. §112;
- Claims 14 and 15 are rejected under 35 U.S.C. §102(e) as being anticipated by Bilotti et al. (US 6,622,012);
- Claims 1-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Billoti et al. in view of Masashi (JP 10-197614);
- Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Billoti et al. as modified by Masashi, in view of Bartingale et al. (US 2003/0048102); and
- Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over Billoti et al. as modified by Masashi (JP 10-197614), in view of Sunter et al. (US 5,323,011).

The objection and rejections are discussed below.

### **The Objection to the Specification**

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. Particularly, the Office asserts that “computer readable medium” need to be clearly defined in the specification. The specification has been amended at paragraph [0023], rendering the objection thereto moot.

### **The Rejection of Claims 10 and 11 under 35 U.S.C. § 112**

Claims 10 and 11 stand rejected under 35 U.S.C. §112, as having claim aspects that lack proper antecedent basis. In particular, the Office asserts that there is insufficient antecedent basis in claim 10, line 5, for the limitation “the physical proximity.” In addition, the Office asserts that there is insufficient antecedent basis in claim 11, line 2, for the limitation “the output”, and in claim 11, line 5, for the limitation “the detected reception.” Claims 10 and 11 have been amended, rendering the objections thereto moot.

### **The Rejection of Claims 14 and 15 under 35 U.S.C. §102(e)**

Claims 14 and 15 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bilotti et al. Claims 14 and 15 depend respectively from claims 10 and 11, which stand rejected under 35 U.S.C. § 103(a). As such, it was improper for the Office to reject claims 14 and 15 under 35 U.S.C. §102(e). Accordingly, applicant respectfully requests that the Office withdraw the rejection and issue a new non-final Office action.

### **The Rejection of Claims 1-13 under 35 U.S.C. § 103(a)**

Claims 1-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bilotti et al. in view of Masashi. This rejection should be withdrawn because the subject claims have been amended to include additional claim aspects not taught or suggested in the prior art.

Independent claim 1 is directed towards an apparatus that detects when first and second members of the apparatus are moved into physical proximity of one another. Claim 1 has been amended to require that an inhibitor mounted in one of the members selectively inhibits the intensity of interaction between an element in the first member and detector in the second member *in response to the element being moved into the proximity of the detector* and *a processor driving the inhibitor based on an output of the detector and configured to determine whether the first member is in physical proximity to the second member based on the output*.

The combination of Bilotti et al. and Masashi does not teach or suggest the emphasized claim aspects.

Bilotti et al. relates to a magnetic pole insensitive switch for a cell phone. The cell phone 10 includes a base 12 and a cover 14 pivotably coupled thereto through a rotatable joint 16 (col. 3, lines 30-34). The movable end of the cover 14 includes a magnet 18 (col. 3, lines 38-39). A semiconductor switch 20 is located in the base 12 such that switch 20 and magnet 18 align with respect to each other when the cover 14 is closed against the base 12 (see Fig. 1). A transducer 30 provides a signal with a level that varies with the orientation of the magnet 18 to the switch 20 (col. 3, lines 53-62). When the cover 14 is open, the magnet 18 is displaced from the switch 20, and the switch 20 provides a switch signal having a first predetermined signal level, and when the cover 14 is closed, the magnet 18 is proximate to the switch 20, and the switch 20 provides a switch signal having a second predetermined signal level (col. 4, lines 1-9). Thus, the signal indicates whether the cover 14 is open or closed (col. 4, lines 10-11).

Masashi relates to a magnetic detection circuit that includes a magnetic sensor 1 having an exciting coil 11 and a detection coil 12 coupled to the exciting coil 11 via a magnetic body 13, a drive circuit 2 that drives the exciting coil 11, and a constant current source 30 that provides negative feedback for an output signal from the detection coil 12 to a signal processing circuit 3 based on a signal output from the signal processing circuit 3 (see abstract). The drive circuit 2 excites the exciting coil 11 with a periodicity current such as an alternating or pulse current (see ¶¶ [0009] and [0011]). When the magnetic field strength changes, the negative feedback from the constant current source 30 is applied to the flux density change drawn in the magnetic substance in the magnetic body 13, and fluctuation of the output of the signal processing circuit is suppressed (see ¶ [0012]). As a result, the output characteristics of the signal processing circuit 3 can be made insusceptible to fluctuations in the characteristics of the magnetic sensor 1 (see abstract). Hence, Masashi relates to a feedback loop 30, for the signal processing circuit 3 driven by a magnetic sensor 1, which accounts for fluctuations in the field produced by the exciting coil 11 of the magnetic sensor 1.

The Office asserts Masashi teaches in ¶¶ [0014] – [0022] a system and method for an inhibitor mounted in a member which selectively inhibits the intensity. However, the exciting coil 11 taught in Masashi is not an inhibitor mounted in one of the members that selectively inhibits the intensity of interaction between an element in the first member and a detector in the second member *in response to the element being moved into the proximity of the detector* as is required by amended claim 1. In addition, the combination of Bilotti et al. and Masashi does not teach or suggest *a processor driving the inhibitor based on an output of the detector and configured to determine whether the first member is in physical proximity to the second member based on the output* as is required by amended claim 1. Accordingly, this rejection should be withdrawn.

Independent claim 8 is directed to an apparatus similar to claim 1. Claim 8 has been amended to include additional claim aspects similar to the claim aspects added to claim 1. Independent claims 10 and 11 are directed to a method for use with the apparatus of claim 1. Claims 10 and 11 have been amended to include additional claim aspects similar to the claim aspects added to claim 1. As such, the above discussion with respect to claim 1 applies *mutatis mutandis* to claims 8, 10 and 11, and these rejections should be withdrawn.

Claims 2-7, 9, 5-6 and 12-13 respectively depend from claims 1, 8, 10 and 11, and are allowable at least by virtue of their dependencies. Accordingly, these rejections should be withdrawn.

**The Rejection of Claim 16 under 35 U.S.C. 103(a)**

Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Bilotti et al. as modified by Masashi, in view of Bartingale et al. Claim 16 depends from claim 1 and is allowable at least by virtue of dependency upon an allowable base claim. Accordingly, this rejection should be withdrawn.

**The Rejection of Claim 17 under 35 U.S.C. 103(a)**

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Bilotti et al. as modified by Masashi, in view of Sunter et al. Claim 17 depends from claim 8 and is allowable at least by virtue of dependency on an allowable base claim. Accordingly, this rejection should be withdrawn.

**Conclusion**

It is believed that each of the claims now in the application are distinguishable one from the other and over the prior art. Therefore, reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

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